

CUSTOMER NO.: 24498
Attorney Docket No. RCA 89,520
Office Action dated: 05/29/08

Remarks/Arguments

Claims 1-7 and 9-10 are pending in this application, and are rejected in the Office Action dated May 29, 2008. Claims 1, 4, 6-7 and 9-10 are amended herein to more particularly point out and distinctly claim the subject matter that Applicants regard as their invention. No new matter is believed to be added by the present amendments.

Patentability of Claims 1-7 and 9-10 under 35 U.S.C. §103(a) over Kaganas et al. (U.S. Patent No. 6,425,018), Cho et al. (U.S. Patent No. 7,324,974) and Truong et al. (U.S. Patent No. 6,173,057)

Applicants submit that for at least the reasons discussed below, the present amended claims are patentably distinguishable over the cited combination of references.

Amended independent claim 1 recites:

"identifying a selected audio data file in response to a user input;

identifying a decoder file associated with the selected audio data file, the decoder file comprising a decoding program to control a decoding function of a digital signal processor;

transferring the selected audio data file and the associated decoder file to the digital signal processor, wherein the selected audio data file and the associated decoder file are both stored in a single removable data storage device coupled to the handheld audio playback device;

using a security code associated with the handheld audio playback device to generate a decryption program;

decrypting the associated decoder file using the decryption program;

decrypting the selected audio data file using the decryption program" (emphasis added)

As indicated above, amended independent claim 1 defines a method for playing back an audio data file in which a security code associated with a handheld audio playback device is used to generate a decryption program. The decryption program is then used to decrypt a selected audio data file and a decoder file associated with the selected audio data file. In this manner, amended

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independent claim 1 defines an advantageous combination in which a security code associated with a handheld audio playback device is used to generate a decryption program that is then used to decrypt both a selected audio data file and a decoder file associated with the selected audio data file. Independent claims 4, 6 and 10 are amended herein to define similar subject matter to independent claim 1. Support for the subject matter of amendments may be found, for example, on page 7, lines 20-25 of Applicants' specification.

None of the cited references, whether taken individually or in combination, discloses or suggests, *inter alia*, the aforementioned subject matter of independent claims 1, 4, 6 and 10. While at least two of the cited references, namely Cho and Truong, discuss concepts related to decryption, neither of them teaches or suggests, *inter alia*, the desirability of using a security code associated with a handheld audio playback device to generate a decryption program that is then used to decrypt both a selected audio data file and a decoder file associated with the selected audio data file, as claimed.

Accordingly, Applicants submit that even if it is proper to combine the cited references in the manner proposed in the Office Action dated May 29, 2008, the proposed combination of references still fails to disclose or suggest each and every limitation of the present claims. Therefore, Applicants respectfully submit that independent claims 1, 4, 6 and 10, and the claims that depend therefrom, are patentably distinguishable over the proposed combination of references, and withdrawal of the rejection is respectfully requested.

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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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